

JAMES E. SEYKORA
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 1478
Billings, MT 59103
2929 Third Avenue North, Suite 400
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

FILED
BILLINGS, MT
'03 MAY 23 AM 9 27
PATRICK E. DUFFY CLERK
BY *Chari Anderson*
DEPUTY CLERK

(8)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA CANFIELD
MARION HUNGERFORD

Defendant.

CR 03- 74-BLG- RFC

INDICTMENT

CONSPIRACY TO COMMIT HOBBS ACT
(Count I)

Title 18 U.S.C. § 371

(Penalty: Not more than five years imprisonment;
\$250,000 fine; and one year supervised release)

HOBBS ACT (COUNTS II, IV, VI, VIII, X, XII, XIV, XVI,
XVIII, XX)

Title 18 U.S.C. § 1951

(Penalty: Not more than twenty years imprisonment;
\$250,000 fine; and three years supervised release).

CARRYING OR USING A FIREARM DURING A
CRIME OF VIOLENCE

(Counts III, V, VII, IX, XI, XIII, XV, XVII, XIX, XX1)

Title 18 U.S.C. § 924(c)

(Penalty: Mandatory five years imprisonment,
consecutive to any other sentence)

	POSSESSION OF FIREARM BY PERSON UNDER RESTRAINING ORDER (Count XXII) Title 18 U.S.C. § 922(g)(8)(B) (Penalty: Ten years imprisonment and, \$250,000 fine, and three years supervised release)
--	--

THE GRAND JURY CHARGES:

COUNT I

1. At all times material to this Indictment, 3G's Convenience Store, Bottles & Shots, Alpine Casino, Jackpot Casino, Cenex AmPride, Magoos, Second Shift, Winners Circle, and Joker's Wild Casino were engaged in commercial business in and around Billings, Montana, and Butte, Montana, which affected interstate commerce.

2. Between March 20, 2002, and July 27, 2002, in the State and District of Montana, the defendants, DANA CANFIELD and MARION HUNGERFORD, together and with other persons to the Grand Jury both known and unknown, knowingly and unlawfully conspired and agreed to unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce, by robbery, in violation of 18 U.S.C. Section 371.

Manner and Means

The activities of the conspiracy were conducted in the following manner and, in part, by the following means:

1. During the period of the conspiracy and in particular on March 20, 2002, Dana Canfield and Marion Hungerford robbed the 3G's Convenience Store in Billings, Montana, with a firearm.

2. During the period of the conspiracy and in particular on April 6, 2002, Dana Canfield and Marion Hungerford robbed Bottles & Shots in Billings, Montana, with

a firearm.

3. During the period of the conspiracy and in particular on April 14, 2002, Dana Canfield and Marion Hungerford robbed the Alpine Casino in Billings, Montana, with a firearm.

4. During the period of the conspiracy and in particular on May 6, 2002, Dana Canfield and Marion Hungerford robbed the Jackpot Casino in Billings, Montana, with a firearm.

5. During the period of the conspiracy and in particular on May 27, 2002, Dana Canfield and Marion Hungerford robbed the Cenex AmPride in Billings, Montana, with a firearm.

6. During the period of the conspiracy and in particular on June 4, 2002, Dana Canfield and Marion Hungerford robbed the Jackpot Casino in Billings, Montana, with a firearm.

7. During the period of the conspiracy and in particular on June 13, 2002, Dana Canfield and Marion Hungerford robbed the Magoos in Billings, Montana, with a firearm.

8. During the period of the conspiracy and in particular on June 25, 2002, Dana Canfield and Marion Hungerford robbed the Second Shift in Billings, Montana, with a firearm.

9. During the period of the conspiracy and in particular on July 2, 2002, Dana Canfield and Marion Hungerford robbed the Winner's Circle in Billings, Montana, with a firearm.

10. During the period of the conspiracy and in particular on July 27, 2002,

Dana Canfield and Marion Hungerford robbed the Joker's Wild Casino in Butte, Montana, with a firearm.

COUNT II

On or about March 20, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$150.00, from the 3 G's convenience store, 730 Lake Elmo Road, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the 3G's at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT III

On or about March 20, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count II of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT IV

On or about April 6, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$850.00, from the Bottles & Shots, 247 Main Street, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Bottles & Shots at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT V

On or about April 6, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count IV of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT VI

On or about April 14, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and

affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$161.00, from the Alpine Casino, 1116 16th Street West, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Alpine Casino at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT VII

On or about April 14, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count VI of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT VIII

On or about May 6, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and

obtain personal property consisting of approximately \$5,600.00, from the Jackpot Casino, 2030 Main Street, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Jackpot Casino at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT IX

On or about May 6, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count VIII of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT X

On or about May 27, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$24.18, from the Cenex AmPride, 2975 Grand Avenue, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property;

that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Cenex AmPride at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT XI

On or about May 27, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count X of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XII

On or about June 4, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$1,091.00, from the Jackpot Casino, 2274 Central Avenue, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Jackpot Casino at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT XIII

On or about June 4, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count XII of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XIV

On or about June 13, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$318.75, from Magoos, 1223 Grand Avenue, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from Magoos at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT XV

On or about June 13, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count XIV of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XVI

On or about June 25, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$1280.00, from the Second Shift Bar, 934 Highway 87 East, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Second Shift at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT XVII

On or about June 25, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of

violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count 2 of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XVIII

On or about July 2, 2002, at Billings, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$3,900.00, from the Winner's Circle, 2501 Grand Avenue, Billings, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Winners Circle at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

COUNT XIX

On or about July 2, 2002, at Billings, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count 2 of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial

Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XX

On or about July 27, 2002, at Butte, in the District of Montana, defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, interstate commerce and the movement of articles and commodities in such commerce, by robbery, in that defendants DANA CANFIELD and MARION HUNGERFORD did unlawfully take and obtain personal property consisting of approximately \$400.00, from the Joker's Wild Casino, 711 ½ N. Montana Avenue, Butte, MT, against its will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons and property; that is, defendants CANFIELD and HUNGERFORD forcibly took the money from the Joker's Wild Casino at gunpoint or did aid and abet in the same.

All in violation of Title 18, United States Code, Sections 1951 & 2.

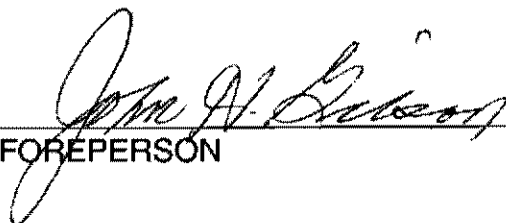
COUNT XXI

On or about July 27, 2002, at Butte, in the District of Montana, the defendants DANA CANFIELD and MARION HUNGERFORD, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, to wit, a violation of 18 U.S.C. § 1951 as charged in Count XX of this Indictment, knowingly used and carried a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, or did aid and abet in the same, all in violation of Title 18, United States Code, Sections 924(c)(1) & 2.

COUNT XXII

That from on or about March 20, 2000, up to and including July 27, 2002, at Billings and Butte, in the State and District of Montana, the defendant, DANA CANFIELD, who was subject to an Order of Protection issued April 17, 2002, in Justice Court, Yellowstone County, Montana, which order restrained him from harassing, stalking, or threatening Vicki Jo Fouhy-Canfield, Jessica Canfield, Trisha Canfield, Abigail Canfield and Colton Canfield, possessed in or affecting commerce, a firearm, that is, a Ruger new model single six .22 caliber revolver, Serial Number 26189809, in violation of 18 U.S.C. Section 922(g)(8)(B).

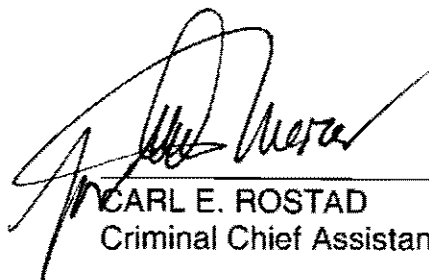
A TRUE BILL.


FOREPERSON



WILLIAM W. MERCER
United States Attorney

Crim. Summons
Warrant: ☒
Bail: ☐



CARL E. ROSTAD
Criminal Chief Assistant U.S. Attorney